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UNITED NATIONS CONFERENCE ON STRADDLING
FISH STOCKS AND HIGHLY MIGRATORY FISH
STOCKS

Fourth session
New York, 15-26 August 1994

REPORT ON THE FOURTH SESSION OF THE UNITED NATIONS CONFERENCE
ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Prepared by the Secretariat

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I. INTRODUCTION

A. Opening of the session

1. The fourth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was held in New York from 15 to 26 August 1994. The session was convened in accordance with paragraph 3 of General Assembly resolution 48/194 of 21 December 1993, entitled "United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks". The third session of the Conference was held in New York from 14 to 31 March 1994. 1/

2. The Chairman of the Conference made a statement at the opening of the session. 2/ He stated that the participants would need to take critical decisions and show a new kind of global commitment as the United Nations Convention on the Law of the Sea entered into force. At the United Nations Conference on Environment and Development, States had admitted to the failure of the international community to manage global fish resources. Part of the problem was a lack of cooperation among States, which had ignored the fact that the right to fish was conditional and accompanied by the duty to manage and conserve the resources for present and future generations. He then stressed that the Conference ought to establish minimum international standards, ensure that the measures taken in the exclusive economic zone and on the high seas were compatible and coherent and that there was an effective mechanism for compliance and enforcement of those measures, provide for a globally agreed framework for regional cooperation, and establish a compulsory binding dispute settlement mechanism consistent with the United Nations Convention on the Law of the Sea.

B. Attendance

3. Representatives of the following States attended the session: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Brazil, Burundi, Canada, Cape Verde, Chile, China, Colombia, Cook Islands, Costa Rica, Cuba, Cyprus, Denmark, Ecuador, Egypt, Eritrea, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Kiribati, Latvia, Lithuania, Malaysia, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Niue, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu and Venezuela.

4. The following associate member of a regional commission was represented: United States Virgin Islands.

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5. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations (FAO) and Intergovernmental Oceanographic Commission - UNESCO.

6. The following intergovernmental organizations were represented: Asian-African Legal Consultative Committee (AALCC), Commission on Indian Ocean, Inter-American Tropical Tuna Commission (IATTC), European Community, International Commission for the Conservation of Atlantic Tunas (ICCAT), International Council for the Exploration of the Sea (ICES), International Maritime Satellite Organization (INMARSAT), International Whaling Commission (IWC), Latin American Organization for Fisheries Development (OLDEPESCA), Permanent South Pacific Commission (PSPC) and South Pacific Commission.

7. The following non-governmental organizations were represented, in accordance with paragraphs 4 and 12 of General Assembly resolution 47/192 of 22 December 1992: Alaska Marine Conservation Council, American Oceans Campaign, Association algérienne pour la protection de la nature et de l'environnement, Association of the Bar of the City of New York, Canadian Ocean Caucus, Center for Development of International Law, Centre de recherches pour le développement des technologies intermédiaires de pêche, Confederacion Nacional de Pescadores Artesanales de Chile, Coordinadora de Tripulantes Pesqueros Industriales del Cono Sur América Latina, Council on Ocean Law, Environmental Defense Fund, Federation of Japan Tuna Fisheries Cooperative Associations, Greenpeace International, International Coastal and Ocean Organization, International Collective in Support of Fishworkers, Red Mexicana de Acción frente al Libre Comercio, Samoan Association of Non-governmental Organizations, United Nations Association in Canada, and WorldWide Fund for Nature.

C. Programme of work

8. The Conference agreed to the following programme of work for the session: (1) informal meetings of the plenary to allow delegations to make general comments on the revised negotiating text contained in document A/CONF.164/13/Rev.1; (2) a section-by-section review of the document; (3) informal consultations of the Chairman on matters identified as areas which can be further improved; (4) consideration of the question of the form of the outcome of the deliberations; and (5) revision of document A/CONF.164/13/Rev.1 for consideration at the beginning of the second week of the session.

II. GENERAL DEBATE

9. At the 43rd and 44th meetings, held on 15 August, general statements were made by the Minister of Fisheries and Oceans of Canada, the Honourable Brian Tobin, the Minister of Fisheries of Norway, His Excellency Jan Henry T. Olsen, as well as the representatives of the United States of America, European Community, Japan, Republic of Korea, Australia (on behalf of the member States of the South Pacific Forum Fisheries Agency), Argentina, United Kingdom, Poland, Peru, India, China, Iceland, Sweden, Uruguay and Thailand. The representatives of FAO as well as the observers for the Alaska

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Marine Conservation Council, WorldWide Fund for Nature and Greenpeace also made statements.

III. CONSIDERATION OF THE ISSUES

10. From the 45th to 52nd meetings, the Conference conducted a section-by-section examination of the revised negotiating text.
11. The text was divided into a preamble, 10 sections and 3 annexes, as follows: (i) objective; (ii) application; (iii) general principles; (iv) international cooperation; (v) compliance with and enforcement of high seas fisheries conservation and management measures; (vi) port States; (vii) non-participants in subregional or regional organizations or arrangements; (viii) dispute settlement; (ix) special requirements of developing States; (x) review of the implementation of conservation and management measures; annex 1, on minimum standard for data requirements for the conservation and management of straddling fish stocks and highly migratory fish stocks; annex 2, on suggested guidelines for applying precautionary reference points in managing straddling fish stocks and highly migratory fish stocks; and annex 3, on arbitration.
12. At the 45th meeting, held on 16 August, statements were made by the representatives of the Russian Federation, Ukraine, China, European Union, Thailand, Peru, Argentina, Japan, Sweden, Uruguay, Republic of Korea, Mexico, Indonesia, Chile, Poland, Norway, New Zealand, Canada, Ecuador, Philippines, Iceland, Australia, Morocco, United States, Senegal, Mauritania, Cook Islands and Brazil. The representatives of FAO and OLDEPESCA also made statements.
13. At the 46th meeting, held on 16 August, statements were made by the representatives of Japan, Sweden, China, Canada, Uruguay, Thailand, Poland, European Union, Chile, Republic of Korea, Brazil, Australia, Russian Federation, Argentina, India, Indonesia, Peru, Ecuador, United States, Mexico, Morocco, Papua New Guinea and Norway.
14. At the 47th meeting, held on 17 August, statements were made by the representatives of Indonesia, India, Canada, Kenya, Republic of Korea, Ukraine, Sweden, Fiji, European Union, Thailand, Poland, Japan, United States, Ecuador, Russian Federation, Mexico, China, Peru, Australia, Argentina, Uruguay and Chile.
15. At the 48th meeting, held on 17 August, statements were made by the representatives of Japan, India, New Zealand, Thailand, China, Norway, Russian Federation, Senegal, Canada, European Union, Papua New Guinea, Republic of Korea, United States, Chile, Argentina, Uruguay, Australia and Peru. The observers for Canadian Ocean Caucus, WorldWide Fund for Nature and Alaska Marine Conservation Council also made statements.
16. At the 49th meeting, held on 18 August, statements were made by the representatives of Sweden, Poland, Canada, European Union, Ukraine, India, Australia, Republic of Korea, Japan, Brazil, Panama, Cook Islands, Norway, Malaysia, Micronesia, Solomon Islands, Russian Federation, Argentina, China,

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Kenya, Samoa and Mexico. A statement was also made by the observer for WorldWide Fund for Nature.

17. At the 50th meeting, held on 18 August, statements were made by the representatives of Canada, Vanuatu, India, European Union, Uruguay, United States, Poland, Indonesia, Peru, Ukraine, Republic of Korea, Japan, India, Brazil, Russian Federation, Ecuador, Argentina, New Zealand, Norway, Papua New Guinea, Thailand, Morocco, Chile and Australia (on behalf of the South Pacific Forum Fisheries Agency). A statement was made by the observer for National Fish Workers of India.
18. At the 51st meeting, held on 19 August, statements were made by the representatives of Panama, China, Norway, Canada, European Union, Mexico, Peru, Argentina, Poland, Russian Federation, Japan, Iceland, Indonesia, United States, Uruguay, India, Republic of Korea, Solomon Islands, Cook Islands, New Zealand, Israel and Thailand.
19. At the 52nd meeting, held on 19 August, statements were made by the representatives of Kiribati, Kenya, Brazil, Peru, Republic of Korea, Micronesia, Papua New Guinea, European Union, China, India, Thailand, Uruguay, Ecuador, Sweden, Argentina, Morocco, Mexico, European Union, United States, New Zealand, Solomon Islands, Russian Federation, Indonesia, Australia, Canada, Poland, Japan and Fiji. The representative of FAO and the observers for Canadian Ocean Caucus, International Collective in Support of Fishworkers and Environmental Defense Fund (on behalf of 16 NGOs) also made statements.
20. At the same meeting, the Chairman informed the Conference that he would undertake informal consultations on issues related to coastal State enforcement, enclosed or semi-enclosed seas and data collection.
21. At the 53rd meeting, held on 23 August, the Chairman introduced a new revision of his negotiating text under the form of a draft agreement entitled "Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".
22. At the same meeting, statements were made by the representatives of Sweden, New Zealand, India and Peru.
23. At the 54th meeting, held on 24 August, the Chairman announced that the Bureau of the Conference had decided to recommend that the next sessions of the Conference be held from 27 March to 12 April 1995 and from 24 July to 4 August 1995.
24. At the same meeting, statements were made by the representatives of Peru and Indonesia. The representative of FAO also made a statement.
25. At the 55th meeting, held on 25 August, statements were made by the representatives of Peru, European Union, Chile, Brazil, Indonesia, Argentina, Republic of Korea, India, Russian Federation and Japan.

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IV. CREDENTIALS COMMITTEE

26. The Credentials Committee met on 24 August 1994.

27. At the 57th meeting, held on 26 August, Mr. E. M. Gondra (Argentina), acting as Chairman of the Credentials Committee, introduced its report and informed the Conference that in addition to the States listed in paragraph 4 of the report, credentials in the form provided for by rule 4, paragraph 1, of the rules of procedure had been submitted to the Secretary-General by Marshall Islands, Panama and Uruguay, and in addition to the States listed in paragraph 6, the appointment of representatives of Cape Verde and Germany had been communicated by notes verbales from their respective Permanent Missions to the United Nations. 3/

28. The Conference approved the recommendations in the report of the Credentials Committee as contained in document A/CONF.164/23.

V. VOLUNTARY FUND

29. At the 57th meeting, held on 26 August 1994, the Chairman of the Conference reiterated his appeal to delegations for contributions to the voluntary fund established for the purpose of assisting developing countries to participate fully and effectively in the Conference, so as to enable as many States as possible to participate in the Conference. A contribution to the Fund was made by Canada with respect to the fourth session of the Conference.

VI. CLOSING OF THE SESSION

30. At the 57th meeting, held on 26 August, the Chairman made a closing statement, observing, inter alia, that the fourth session had been very productive since, during that session, the Conference had reached the stage at which form and substance needed to be brought together. He noted that following the discussions and proposals made in the plenary of the Conference as well as at informal consultations during the session, he had been able to issue a further revision of his negotiating text, entitled "Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks" (A/CONF.164/22). The new form of the document was based on his sense that there was a widespread and substantial view in the Conference that a binding outcome of the Conference's deliberations would be essential if the Conference were to achieve the goal of effective conservation and management of the fish stocks concerned. Further, while there was no consensus at that time on the question of the form of the outcome of the Conference, he was nevertheless encouraged and gratified that the Conference had decided to use the text as a basis for its future work. The Bureau had recommended that two further sessions would be needed in 1995 in order for the Conference to conclude its work; accordingly, the first session would be devoted to the consideration of the substantive matters and the second would be the final session. He recommended, therefore, that the Conference

request the General Assembly to provide facilities for two sessions, to be held from 27 March to 12 April 1995 and from 24 July to 4 August 1995.

31. The Conference approved the recommendation of the Bureau on the two further sessions in 1995.

32. At the same meeting, statements were made by the representatives of Indonesia, Sweden, United States, Russian Federation, Ukraine, Japan, New Zealand and Canada. The observer for Greenpeace also made a statement.

Notes

1/ For the report on the third session of the Conference, see A/CONF.164/20. For the report of the Secretary-General, "Implementation of the decisions and recommendations of the United Nations Conference on Environment and Development: sustainable use and conservation of the marine living resources of the high seas: United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks", see A/48/479 and Corr.1.

2/ A/CONF.164/21.

3/ As of 7 October 1994, the following States have submitted credentials in the form provided for in rule 4, paragraph 1, of the rules of procedure: Argentina, Colombia, Ecuador, India, Italy, Sri Lanka and the United States of America. The appointment of the representatives of Nicaragua has been communicated by note verbale from the Permanent Mission to the United Nations.
